

EXHIBIT 5

UNITED STATES BANKRUPTCY COURT

District of New Jersey

In re LTL MANAGEMENT LLC

Debtor

(Complete if issued in an adversary proceeding)

Case No. 23-12825 (MBK)

Chapter 11

Plaintiff

v.

Defendant

Adv. Proc. No. _____

SUBPOENA TO TESTIFY AT A DEPOSITION IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Adam Pulaski, Pulaski, Kherkher, PLLC, 2925 Richmond Avenue, Suite 1725, Houston, Texas 77098

(Name of person to whom the subpoena is directed)

☒ **Testimony:** **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at a deposition to be taken in this bankruptcy case in connection with the *Motion of the Official Committee of Talc Claimants to Dismiss the Second Bankruptcy Petition of LTL Management, LLC* [Dkt. No. 286].

PLACE **Remotely; video-conference instructions will follow**

DATE AND TIME

June 7, 2023 at 10:00 a.m. (ET)

The deposition will be recorded by this method: **audio, video, and/or stenographic means.**

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 5/28/2023

CLERK OF COURT

OR /s/ Daniel M. Stolz

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

Ad Hoc Committee of Certain Talc Claimants, who issues or requests this subpoena, are:

Daniel M. Stolz, Esq., Genova Burns LLC, 110 Allen Road, Suite 304, Basking Ridge, NJ 07920, (973) 230-2095, dstolz@genovaburns.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* Adam Pulaski of Pulaski, Kherkher, PLLC on *(date)* May 30, 2023.

☐ I served the subpoena by delivering a copy to the named person as follows: _____ on *(date)* _____; or

☒ I returned the subpoena unexecuted because: efforts to deliver the subpoena to Adam Pulaski at his office and to his residence have been unsuccessful as the witness has been uncooperative.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: 06/01/2023



Server's signature

Clark R. Dickenscheidt
TX PSC# 2996

Printed name and title

22503 Katy Freeway, Katy, TX 77450

Server's address

Additional information regarding attempted service, etc.:

1) Unsuccessful Attempt: Tue, May 30, 2023, 4:18 pm CDT at: 2925 Richmond Ave Suite 1725, Houston, TX 77098

The 17th floor has restricted access. After several attempts the front desk security got a hold of the office and they sent someone down but she did not know why and after explaining the subpoena she went back up in the elevator to see if Mr Pulaski was in and available.

A few minutes later, she came back down with Katherine Kordell (sp?), who informed me that Mr. Pulaski was not in as he is in court, and she was unsure when he would return. I informed her the nature of the subpoena, and she took my card and said she would have Mr Pulaski reach out to me to arrange for delivery.

2) Unsuccessful Attempt: Wed, May 31, 2023, 11:03 am CDT at: 2925 Richmond Ave Suite 1725, Houston, TX 77098

I called the law firm at 10:31 am at their published number from the website, 800-223-3784. I was able to make contact with Brittany who is with their answering service. All she could do is take a message for me which she did and said that she forwarded the message on.

I then went to the office having received no response from the message. The security at the front desk was unable to reach anyone in their office. There is no way onto the 17th floor due to restricted access. I attempted to call the other number again, and again received their answering service response.

3) Unsuccessful Attempt: Wed, May 31, 2023, 11:29 am CDT at Home: 2929 Wesleyan St Apt 3902, Houston, TX 77027

The 39th floor is the top floor of a luxury high rise. Elevator access is restricted by key card. I spoke to the front desk, and they called Mr. Pulaski, who answered and said he was not present at the apartments, and then told them to have me deliver it to his office. He then hung up before any further conversation could ensue.

4) Unsuccessful Attempt: Wed, May 31, 2023, 11:37 am CDT at: 2925 Richmond Ave Suite 1725, Houston, TX 77098

I again attempted to call the office and once again received the answering service. I located Adam Pulaski's LinkedIn page and sent him a message through LinkedIn.

5) Unsuccessful Attempt: May 31, 2023, 8:33 pm CDT at Home: 2929 Wesleyan St Apt 3902, Houston, TX 77027

The front desk concierge called Adam Pulaski and he answered and he told the concierge that he was not home.

No contact has been received from Adam Pulaski despite the various attempts to deliver and messages left for him.